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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,108	06/26/2003	Neal A. Downey	47320.0132	1107
25928	7590	03/15/2006	EXAMINER	
CHRISTOPHER J. KULISH, ESQ HOLLAND & HART LLP P. O. BOX 8749 DENVER, CO 80201-8749			CHEN, TIANJIE	
			ART UNIT	PAPER NUMBER
			2656	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,108

Applicant(s)

DOWNEY ET AL.

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

2nd Non-Final Rejection

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri (US 5,818,723) in view of VanFleet (US 5,440,637) and Papa et al (US 6,324,608).

Claim 1: Dimitri shows a data cartridge library in Figs 1-5 including: a frame 120 (Fig. 1); a shelf system 22 (Column 3, lines 51-52), operatively attached to the frame, for supporting at least two data cartridge magazines 30 (Fig. 2; column 3, lines 62) and including at least one shelf, drive means 56 (Fig. 3; column 4, lines 18-19) that is operatively attached to the frame, which is inherently capable of receiving from a data cartridge transport device a data cartridge that contains a recording medium- and capable during operation of transferring data between a recording medium located within a data cartridge and an environment that is exterior to said drive means; a magazine transport device 70 (Column 4, lines 48-50), operatively attached to the frame, for moving a data cartridge magazine, a cartridge transport device 54 (Column 4, lines 51-54), operatively attached to the frame, for moving a data cartridge between a data cartridge magazine and the drive means.

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Dimitri does not show a power supply, operatively attached to the frame, for receiving AC power from an external environment and producing DC power in a form suitable for use by the drive means; and a conductor, operatively attached to the frame, for conveying power from the power supply to the drive means and wherein the conductor has a flat external surface and a second flat external surface that is substantially parallel to the first flat external surface.

VanFleet shows a data cartridge library including a power supply 58 (Fig. 2; column 3, line 55), operatively attached to the frame, for receiving AC power from an external environment and producing DC power in a form suitable for use by the drive means 54 (Fig. 2; column 3, line 54), and a conductor 60, operatively attached to the frame, for conveying DC power from the power supply to the drive means (Column 1, lines 49-58 and column 3, lines 53-65).

Papa et al shows a data cartridge library, wherein the conductors 411, 413, 415, and 417, operatively attached to the frame (Fig. 3C; column 5, lines 59-65), for conveying power from the power supply 105 to the CPU module 103 and wherein the conductor has a flat external surface and a second flat external surface that is substantially parallel to the first flat external surface.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to apply the power supply taught by VanFleet into Dimitri's device. The rationale is as follows: a power supply, which conveys AC power to DC power, is a must unit in a library. Dimitri does not show a power supply. VanFleet shows a power supply, which conveys AC power to DC power. One of ordinary skill in the art would have been motivated to apply the power supply taught by VanFleet into Dimitri's device for supplying power. Papa further teaches that his connector provides

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a method of removing and replacing the connection without powering down the connection (Column 2, lines 49-53). One of ordinary skill would have been motivated to apply Papa et al's connection for being able to replace the modules without stopping the operation.

Claim 2: Dimitri does not show a cabinet.

Papa et al shows a data cartridge library including a cabinet having a first side, second side, third side and fourth side (right side); wherein the first side is substantially parallel to the second side; wherein the third side is substantially parallel to the fourth side; and wherein the first side is substantially perpendicular to the third side.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to apply the cabinet and the conductor taught by Papa et al into Dimitri's device. The rationale is as follows: a cabinet is commonly used in the art Dimitri omitted the cabinet. Papa et al teaches that the conductor can be used to supply power mounted on the frame. One of ordinary skill in the art would have been motivated to apply the cabinet and conductor taught by Papa et al into Dimitri's device for supplying power and transferring data.

Claim 3: in the above constructed device, the conductor is located so that the first flat external face is substantially parallel to one of the first side and third side as far as the surfaces of the cabinet, which are parallel to the conductor, are designated as the first and third surfaces.

Claim 4, in the above described device, the conductor is located so that the first flat external face is substantially perpendicular to the first side as far as surfaces of

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the cabinet, which are perpendicular to the conductor, are designated as the first and third surfaces.

Claims 5-7, as described above, by properly designate the substantially flat outer surface of the drive, the conductor is located so that the first flat external face of the conductor is substantially parallel to the substantially flat outer surface of the drive housing/ or the substantially flat outer surface of the drive housing is a horizontally extending surface/ or the substantially flat outer surface of the drive housing is a vertically extending surface.

Claim 8: Dimitri further shows that the magazine transport device 110 (Fig. 5) includes a portion (the shaft of motor 98; Fig. 4, column 5, lines 21-27) that, during operation, rotates about an axis.

Claims 9, 10, and 11, since the conductor has three sets of surfaces (two set on 413 and two set on 411), therefore, by chosen the set of surfaces, the conductor is located so that the first flat external face lies in/or substantially parallel to a radial plane of the shaft on 98 that includes the axis depending on the vertical position of the /or first flat external face lies in a plane that is substantially perpendicular to a tangent of a circular arc having the axis as a center as the tangent is taken at the leftmost point on shaft of the motor.

Claim 12: Dimitri shows that the magazine transport device includes a portion 70 that, during operation, moves in two orthogonal and rectilinear directions X and Z that define a plane.

Claims 13 and 14, as described above, by properly chosen the surfaces, the conductor is located so that the first flat external face is substantially parallel to the

plane/ or the conductor is located so that the first flat external face is substantially perpendicular to the plane.

Claim 15: Papa et al shows in Fig. 3c that the conductor (connector) including a plurality of laminated electrical conductors.

Claim 16: Dimitri shows a tap 65' (Fig. 5) that is electrically connected to the conductor and located between the conductor and the drive means.

Claim 17: Papa et al further shows a plug 414 including a first plug portion 414 and a second plug portion that mates with the first plug portion (Column 5, lines 65 to column 6, line 8); wherein the first plug portion is electrically connected to the conductor, and wherein the second plug portion is electrically connected to the drive means.

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri (US 5,818,723) in view of VanFleet (US 5,440,637) and Papa et al (US 6,324,608) as applied to claim 1, further in view of Kulakowski et al (US 5,303,214).

Claim 18: Dimitri does not shows that the drive means includes a drive bay for housing at least two drives.

Claim 19: Dimitri shows that the drive means includes a plurality of drives on the left and right sides, but does not show that they are situated in a vertical column.

Kulakowski et al shows a library, which includes a drive bay for housing at least two drives 20, 21, and 21A (Fig. 5, column 5, lines 5-33).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to replace the drive in Dimitri's device with the drives taught by Kulakowski et al. The rationale is as follows: Kulakowski teaches that his device

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with plurality of drives is able to receiving and operating various recording media (Column 3, lines 18-32). One of ordinary skill in the art would have been motivated to add the drives taught by Kulakowski et al for being able to receive and operate various recording media. In such constructed device, the drive means includes a drive bay for housing at least two drives, and a plurality of drives 20 and 21A are situated in a vertical column.

Claim 20: in the above constructed device, the VanFleet's power supply includes a substantially horizontal top surface and wherein at least a portion of the conductor is located above the horizontal top surface and with at least a portion of the first flat external face substantially parallel to the horizontal top surface.

Response to Arguments


4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TIANJIE CHEN
PRIMARY EXAMINER